

## **Workplace Retaliation Part 1**

### **Background introduction and all evidence summary by timeline**

I hereby complain in hopes of requesting a fair and just trial and solution to this serious issue. On Nov 15, 2021, my lab manager fired me without my knowledge, without explanation or reason, and requested two security guards to escort me out of the building. She retaliated against me for pointing out her mistakes in enforcing university policies. This is workplace retaliation and **a gross violation of my human rights**. The important thing is **I did nothing wrong**.

#### ➤ **Introduction**

I'm Xin Cheng, one of the former Principal Lab Technicians at the Clinical Trial Lab, at Cancer Institute of New Jersey (CINJ) Rutgers University. I filed a complaint against Ms. Tiffany Niven - Research Study Manager at the same lab, Workplace, and Retaliation Complaint.

#### ➤ **Background**

I have worked at Rutgers University for around **17 years** and joined the Clinical Trial Lab on **August 2, 2021**, as a Principal Lab Technician.

**Ms. Niven** is the Research Study Manager at the same lab. She has held that position since **February 2021**. Her lab is responsible for processing specimens for CINJ's various clinical trials.

➤ **Time clue:** My Probationary period was from **Aug 2 to Nov 1, 2021**, then extended to **Nov 26, 2021**. I became a **permanent employee** as of **Nov 1, 2021**. See attached file-A

- Aug 2, 2021: Was my first day of joining the Lab.
- Sep 2 to Sep 3, 2021: Essential worker designation with Ms. Xu (my co-worker), after joining the lab for **only one month**. See attached file-Y, Z
- Sep 14, 2021: Received a copy of the essential worker policy. See attached file-T
- Sep 15, 2021: In the Lab meeting we discussed the essential worker designation and requested everyone's signature. At that meeting, I asked Ms. Niven clarifying three questions on the university policy on essential worker designation. Her answers were inconsistent with University policy. See attached file-AA, R
- Sep 27, 2021: Due to Ms. Niven's lack of preparation, she wrongly blamed me for not shipping out specimen block #80 in time. See attached files-P, Q
- Oct 3, 2021: I emailed Ms. Niven and the relevant supervisor. I indicated that Ms. Niven violated University policy. Following this encounter, she had put a lot of pressure on me and attempted to fire me for various unreasonable and still undisclosed reasons. See attached files-R, T, Y, Z

**Workplace Retaliation-Part 2**  
**All evidence detail description & request**

❖ **9/14/21 Asking questions about essential worker policy: See attached files-Y, Z, R, T, AA**

On Sep 2, 2021, due to Hurricane Ida, university operations were on a delayed opening schedule until 1 pm. My co-worker (Ms. Xu) and I were assigned as essential workers on both Sep 2<sup>nd</sup> and Sep 3<sup>rd</sup>, 2021, respectively. At that time, I had only joined the lab a month ago. On Sep 2<sup>nd</sup> at 1 pm, when the University was operating back to normal, my supervisor (Ms. Niven) emailed all lab five members (Ms. Niven, Ms. Xu, Ms. Shyamalan, Ms. Reid and me), she requested that Ms. Xu and I continue as “essential staff”. The remaining lab members were instructed to rest at home on Sep 3, 2021. See attached files-Y, Z

On Sep 15, 2021, I had some questions about the essential worker designation and asked Ms. Niven at the lab meeting. Since Ms. Niven’s interpretation of the policy and the written policy were inconsistent, I did not sign immediately, I needed to take time to ask HR and the policy department before signing. On Oct 3<sup>rd</sup>, I emailed Ms. Niven and relevant leaders to point out her incorrect understanding of the essential worker policy and to explain my reasoning for not wanting to sign the policy immediately when her word and the written policy were conflicting. Since then, Ms. Niven has created a very stressful work environment for me with her micro-aggressions, unprofessional misconduct, and manufactured scenarios of revenge. She planned to fire me somehow. This hostile work environment has caused me anxiety, depression, and perpetual fear of persecution. See attached file-R

**Her mistake:**

- 1) Delayed opening procedures do not apply to essential workers.
- 2) On Sep 2<sup>nd</sup> at 1 pm, a University email notified all staff members to return to their normal duties. All staff should return to work.
- 3) In fact, as essential workers, we should have gotten extra pay. But we didn’t receive extra pay.
4. At that time, our lab has a total of five staff. Only Ms. Xu and I worked on Sep 2<sup>nd</sup> and 3<sup>rd</sup>, the other three staff stayed at home without any deductions to their vacation time or their paid time off. This should be absenteeism, but no one recognizes that fact.

**My Opinion:**

- 1) In the entire lab, every staff member is considered an essential worker. No one can be exempt. University policy does not indicate anything about the essential worker designation relating to specific job titles or conditions granting exceptions during these critical times. It has nothing to do with the job titles. The purpose of essential work is to maintain lab normal operations during periods of adverse weather. See attached file-T.

2) Since I point out her incorrect understanding and execution of the essential worker university policy, she was going to fire me to get revenge on me. So, she was hyper-focused on retaliating against me. she didn't complete the evaluation for me, she was never concerned with assessing my technique or task competencies. She only needed to add work pressure on me to make mistakes to get reasons to fire me, **but I did nothing wrong!**

3) English is Ms. Niven's native language. As a lab manager, if she can't completely understand University emails and policies, it leads to incorrect management of her team. Because I raised some questions, it clearly provoked Ms. Niven to incite a hostile work environment for me, and ultimately resulted in her sudden dismissal of my employment, without reason! I believe her behavior constitutes workplace retaliation. She violated the University termination policy and her requesting two security guards to intervene intimidated me. It was also a **serious violation of my human rights.**

4) The OEE investigator emphasized Ms. Niven can work at home on Sep 2<sup>nd</sup> and Sep 3<sup>rd</sup>. It is worth noting that working from home requires prior authorization from the department head. She didn't have department authorization. She worked every day in the lab, but only worked Sep 2<sup>nd</sup> and Sep 3<sup>rd</sup> at home. It's not logical. She lied in the OEE investigation. Honesty is the most important characteristic of a scientific worker. If she worked at home without authorization, Ms. Niven would have violated HIPAA (1996) and PHI. It should be noted that Ms. Niven does not have the right to give herself authorization or any staff to work at home. The patient record is sensitive information, without authorization it should not be searched at home or in public places. That violates HIPAA (1996), a federal law. See attached the file-AA.

5) In OEE report shows that Ms. Niven has admitted she violated University's essential work policy and misunderstands the University's email. That means She also violated HIPAA and PHI regulations. In Fact, according to the University email notice. Ms. Niven wrong decision led to her, Ms. Shyamalan's, and Ms. Reid's absenteeism for one and half days. But no one has disciplined or reprimanded them.

❖ Sep 27, 2021: Due to Ms. Niven's own lack of preparation, she blamed me for not shipping out sample block #80 in time. See attached files-P, Q

On Sep 27<sup>th</sup>, I had already finished processing six patient specimens. During my overtime shift, I also tried to ship block tissue #80, however at that time, I couldn't find the protocol (which I later discovered to be a new protocol), so it was not finished in time. She still blamed me. As lab manager, when starting a new project, she should have reviewed all the required materials, (including the protocol, kit, flow sheet, etc.) and prepared those items before the sample arrives. Instead, she didn't preparation prior to the samples' arrival. After the sample arrived, the technician can't find the protocol, then interim starts searching online to find a protocol and looking for all the materials needed to process the sample. It's her dereliction of duty and this behavior is very unprofessional. Processing patient samples require keeping a high level of concentration and focused attention. She gives us a lot of pressure that causes unnecessary human error.

- ❖ Oct 3, 2021: I emailed Ms. Niven and the relevant supervisor. I indicated that Ms. Niven violated University policy. Following this encounter, she put a lot of pressure on me and attempted to fire me for various unreasonable and still undisclosed reasons. See attached files-**R, T, Y, Z**

- ❖ Oct 18, 2021: Ms. Niven deliberately blamed and pressured me with other staff's mistakes like when the bone marrow sample was missing its label. See attached file-**M**

1. I want to know why Ms. Niven used the mistakes of others to blame me. Both a coworker and I were processing the same Patient, but on different dates, different types of samples, following different protocols, and having different Case#. There are many different points as well as there is accurate documentation of who completed which task. Her behavior reflects an intentional attempt to fabricate a more stressful work environment for me to instigate and catch me in a mistake. This is highly unprofessional and gross misconduct as managerial staff.

2. After I brought to her attention that it was not my error, Ms. Niven confirmed that someone else (who is a Caucasian American-Ms. Spoto), was responsible, she was quiet afterward and acted as if nothing had happened. The missing bone marrow label is certainly a mistake. In fact, the patient's blood sample and bone marrow sample were shipped together. without the label, the blood and bone marrow samples are easily confused.

- ❖ Oct 29, 2021(Friday): After the end of the workweek, Ms. Niven suddenly requested I sign the probation extension form and sent me an **incomplete document**. See attached files-**J, K,**

On Friday, Oct 29<sup>th</sup>, I was scheduled to work overtime. I processed very complicated samples (RCINJ# 111805, 112008, 111509). There were blood, bone marrow, and 3 Patient samples arriving around the same time. Around 6 pm, after Ms. Niven got off work; she suddenly called to tell me that the original plan of Oct 29<sup>th</sup> being my last day of the probationary period, has now been extended to Nov 26<sup>th</sup>, 2021. She demanded I respond and sign this document immediately. I told her I was swamped with work, and that Patient samples are more important and are the priority. I didn't have time to sign now, and HR had gotten off work, there would be no real difference if I had signed it on Monday. She did not let me finish explaining and instantly hung up the phone.

### **My Opinion:**

- 1) On that day, Ms. Niven worked with me all day in the same room. Why did she choose to wait until after the workday had ended to talk with me about such an important topic over the phone? It did not seem she had a busy day.

- 2) The performance evaluation must be completed before the end of the probationary period. Why didn't she follow the standard operating procedure for evaluating subordinates during

their probationary period? And why did she treat me in such an extreme way without any reason?

3) For Oct 29<sup>th</sup>, Ms. Niven provided me with a document, incomplete with her signature, for me to sign first. This is not in accordance with the documented procedure. See attached file-**K**

4) I'm an internal transfer, and so the probationary period is 90 days (Aug 2<sup>nd</sup>, to Nov 1, 2021).

5) On a document dated Oct 29<sup>th</sup>, Ms. Saunders signed as the Department Head. However, about two weeks later on Nov 16<sup>th</sup>, Ms. Kurz signed as the Department Head. The Department Head wasn't consistent. See attached files-**I, K**

5) I have worked independently since Sep 27<sup>th</sup>, within 2 months of my joining the lab. She scheduled me for mandatory overtime on Sep 27<sup>th</sup> to Oct 1<sup>st</sup> and Oct 25<sup>th</sup>~29<sup>th</sup>. On my overtime shifts, I had to work independently, including contacting the CRC and the nurse, answering the phone, going to the clinical sites to pick up the samples, troubleshooting, etc. I have wondered why Ms. Niven thinks I can't communicate with people and I'm not able to demonstrate the common practices of the lab's daily workflow as listed in the job description. See attached file-**K**,

6) In response to the question Ms. Niven raised in the **attachment-K**, I give the following explanation. See attached the files-**CC, DD**

English is not my native language. However, not being fluent does not affect my work. Below is my evidence.

- I. Here are my published papers listed between **Nov 2005 to July 2017** period. During my years of **service at Rutgers University**, I have made **contributions to 8 published papers**. Before that, I contributed to publications featured in **Nature Genet 2005**, and in **Science 2004**. Although the articles were not written by me, but I did the experiments and provided the supporting experimental data. See attached the file-**CC**
- II. I have found over 10 errors in the lab protocols. I'm the only one to report them to Ms. Niven. She required lab technicians to modify it directly. The protocol is an important document for sample processing. Any edits or modifications in protocols should be approved by the supervisor or high-level researcher. See attached the file-**DD**
- III. Until now, I have yet to see any evidence of my wrongdoings. If I have difficulty understanding English, how would I have been able to complete any of the above work?

7) Ms. Niven sent me the competency form for evaluation on Nov 10<sup>th</sup>, as per her plan, she would evaluate me on Nov 15<sup>th</sup>, at 8:30 am with Ms. Shyamalan. At 8:30 am Monday, Nov 15<sup>th</sup>, she abruptly canceled the evaluation and said she will reschedule by email. I received

the pre-termination employment email a few hours later and was escorted out of the building by security without any reason.

8) As a lab manager, Ms. Niven doesn't have enough knowledge to independently perform evaluations for new employees. She has to get Ms. Shyamalan's help to complete the evaluation.

❖ Nov 1, 2021: Refused my day-off a request: See attached file-L

I have continuously worked for over three months without taking a day off. I emailed to request days off on Nov 3<sup>rd</sup> to 5<sup>th</sup>, after checking that no one else requested to take off or noted sick days at that same time on the lab calendar. Ms. Niven refused my request. Her reason was that she was unsure of the staffing situation for the rest of the week. In the lab usually, it was first come, first served. However, others were granted their request for days off, why can't I make first come, first served? Another example was on Nov 12<sup>th</sup>, when Ms. Spoto was granted her request day off. I requested day off as a sick day for a medical appointment I could not reschedule. At that time, there are 7 staff in the lab. There is no conflict between the two. Also, Friday was not a busy day. She deliberately created fatigue in me to catch me making a mistake. Then she can get a reason to fire me.

❖ Nov 2, 2021: Ms. Niven assigned me additional tasks. More than she would assign other staff members, causing me more stress.

1. 8:00 am~8:45 pm. It was a very hectic day. I only drank one cup of water **within 12 hours** and did not take my legally mandated breaks. We had about 20 Patient samples that needed to be processed. Ms. Niven set up a time limit of 1-1.5 hours for processing each patient specimen. On that day, we had 5 staff members (Ms. Niven, Ms. Spoto, Ms. Reid, Mr. Ebunlomo, and me) who could process samples. Every staff member should be able to process an average of 4 Patient samples. I processed 6 Patients' samples. She still forced me to process and ship out an additional fresh tissue and one frozen tissue block. I told her this was my first-time processing and shipping fresh tissue and frozen block tissue and I needed to take time to learn. I also asked her if I may ship it the next day. She knew this was a new task for me. She refused my request and still insisted on shipping them out today. I quickly read the protocol, figured it out by myself, and shipped it out on time. Ms. Niven later made 2 mistakes. One, she dropped off the package at the wrong place (FedEx instead of UPS); UPS staff does not pick it up, and building security came to ask us to pick it up back. Ms. Spoto went to pick it up. I saw that it was the package I had shipped. It led to a delay in shipping the sample. I confirmed with the security guard the next day because the package didn't ship. They told me that it was dropped off to ship with FedEx instead of UPS. Two, the fresh tissue DOC (Date of collection) should be on same date as the shipping date. Before I shipped the sample, Ms. Niven double-checked and signed off on it. But I had put the wrong DOC on the label (Oct 18, 21?). Ms. Shyamalan found this mistake after the sample shipped out the next day when I loaded the data to OnCore to ask her to double-check. She tells me that DOC should be the same day for fresh tissue. I told Ms. Shyamalan it was my first-time processing fresh tissue. I did not realize that, and it would not happen again. But **Ms. Niven had been working in**



**the lab for 9 months.** This was something she was supposed to know. Before I shipped, Ms. Niven even double-checked the label and shipping documents after co-signing without realizing this low-level mistake. As lab manager, she is supposed to have enough knowledge to handle all routine responsibilities and tasks including processing tissue samples (fresh, block, slides, et al) shipment or batch shipment and processing blood and bone marrow samples. In fact, she has not shown competency in these areas.

2. Within one day, I independently finished a total of 7 patient specimens compared to average 3-4 specimens/day/staff. I think Ms. Niven assigned me more extra work compared with other staff, to deliberately put pressure on me and catch me making a mistake. She was searching for a reason to fire me. I also have wondered why she thinks I display an “her inability to function autonomously has increased the burden of labor to the staff around her”. Ms. Niven’s remarks were completely inconsistent with the objective facts. All of this evidence shown on the daily log sheet or OnCore and could be confirmed.
- ❖ Nov 15, 2021: During I was processing patient samples, Ms. Christie Gallant-Spiezio suddenly emailed me a pre-termination employment notice. Within a couple of minutes, two security guards arrived to escort me out of the building, without any explanation or reason, without my knowledge. **I did nothing wrong.** See attached files-**D, G**

On Nov 15<sup>th</sup> at around 1:00 pm, when I was processing patient samples, I received an email notifying me of a pre-termination employment notice without evaluation. During the entire process, there was no communication or explanation. I asked Ms. Niven what I did and what happened, please give me the reason for my termination and give me time to explain. She told me she would talk to me tomorrow during the virtual meeting. After that, two security guards came to escort me out of the building. I collected my personal items and left. In the very last minutes before I left, I was in the middle of processing three patient samples; I was very patiently providing my co-worker with a detailed handoff of what I had completed and what else had to be done.

On Nov 16<sup>th</sup>, there was a virtual pre-termination meeting for me. Ms. Niven promised I would get paid for both those days. Following the pre-termination meeting on Nov 16<sup>th</sup>, they sent me an incomplete document for my signature. I immediately responded stating that the document was incomplete, requesting it to be completed before I would be able to sign it. To this date, I still have not received it. From Nov 17<sup>th</sup> to Dec 2<sup>rd</sup>, I waited for their response, but no one responded to me.

### **My Opinion:**

- 1) Ms. Niven abruptly fired me without my knowledge, without reason or any explanation, and request two security guards to escort me out of the building. Her behavior constitutes a **serious violation of my human rights** and this is a very big insult to me. I'm a permanent employee.

When Ms. Niven fired me, she violated the Collective Bargaining Agreement Between Rutgers, the State University of NJ, and Teamsters Local 97, Article 4-C 8-10. Page 5-6. See attached file-**Tt**

- 2) In the OEE report, it showed that no one requested two security guards to come. But the truth is the two security guards were commissioned involved for a purpose. OEE report doesn't match the facts.
- 3) The morning of Nov 15<sup>th</sup>: I saw Ms. Niven, Ms. Shyamalan, and Ms. Xu talking about something. I don't realize what about. I felt like they might have been talking about the RCINJ# 52008 samples. At that time, I had three patient samples that needed to be processed. I planned on asking them what happened after I finished processing the samples. I had also planned to work with Ms. Xu since we had the same protocol for the same patient sample to ship together later that afternoon.
- 4) **The truth** is Ms. Niven's suddenly decision to terminate my employment was based on her without understanding protocol (RCINJ#052008), incorrectly concluded that I breached protocol when a biopsy sample was not shipped out in time. She also canceled my scheduled probationary evaluation. As per protocol, this type of sample needs to be shipped within a month of its collection (Oct 25<sup>th</sup> to Nov 25<sup>th</sup>). I had planned on shipping it on Nov 15<sup>th</sup>, which is within a month of its **collection date (Oct 25<sup>th</sup>)**, and **therefore not a violation of protocol.**

I. For a biopsy sample, usually Ms. Niven will assign it to the staff to process it. The task delegation information would also be disseminated through email, OnCore, or Microsoft Teams. But not this time.

II. On Oct 25<sup>th</sup>, Ms. Cong (collaborator) passed a biopsy sample to Ms. Xu, but Ms. Xu was busy. I offered to take over, just simply to help her. I followed Ms. Cong's instructions, which was to keep the sample in the refrigerator overnight and then transfer the sample to -20<sup>0</sup>C freeze the next day. So, nobody asked me to sign any hand-off sheet or log or ship the sample.

III. This was the first time I worked with this type of sample.

IV. On Nov 9<sup>th</sup>, we received an email detailing updates to the protocol (RCINJ#052008). I read it carefully and figured out how to process the sample. I discussed with Ms. Xu how we would ship this sample together on Monday, Nov 15<sup>th</sup>.

V. As per protocol (RCINJ#052008), this type of sample needs to be shipped within a month of its collection (Oct 25<sup>th</sup> to Nov 25<sup>th</sup>). I had planned on shipping it on Nov 15<sup>th</sup>, which is within a month of its collection date (Oct 25<sup>th</sup>), and **therefore not a violation of protocol.** Ms. Niven didn't completely understand the protocol; her objective was to fire me.



- ❖ Nov 16, 2021: Virtual meeting occurred, and I was requested to sign an **incomplete document** with a **missing attachment**. In this incomplete document, there was an **inconsistency** with who the **department head** is. I refused to sign this document until provided the missing attachment. See attached files-**H, I, K**
- ❖ Dec 3, 2021 (Friday): Ms. Saunders suddenly emailed me, requesting I return back to work the following business day (Monday, Dec 6, 2021) with 2 pages of conditions and areas of improvement. The department rescinded the pre-termination notice for failing the probationary period, that was sent on Nov 15, 2021. The email also stated that I was a permanent employee as of Nov 1, 2021 and was exempt from a probationary period. See attached files-**A, E**

**My opinion:**

1. From Nov 16, 2021, the date of the pre-termination meeting to Dec 3<sup>rd</sup>, Ms. Niven and her team had spent almost 2 weeks discussing and deliberating. They prepared an email on Dec 2<sup>nd</sup> and waited until Friday, Dec 3<sup>rd</sup> around noon to send the email instructing I report back to work in a discord work environment on Dec 6<sup>th</sup> at 9:30 am. I had only half a workday to make a difficult decision. I do not think this is a fair practice.
2. On Dec 3<sup>rd</sup>, I suddenly received an email requesting that I return back to work the following business day with 2 pages of conditions and areas of improvement. Ms. Niven has exhibited a series of misconduct as a manager that caused my medical issue and my hospitalization, as well as **causing me and my family permanent psychological trauma**. See attached files-**Aa, B, C, EE**
3. In the Dec 3, 2021, email listing 2 pages of conditions and areas of improvement, some of the conditions listed for improvement are completely untrue, have never happened, or are simply unrealistic. I have enough objective evidence to dismiss these conditions. Subjective personal opinions are not evidence. When we process patient samples, every step has a Log or OnCore record, which is all evidence. If she can't provide evidence, may I consider this to be malicious slander against my work ethic and performance?

➤ **The other important events below:**

- 1) **Within six months, there have been a total of eight staff resigned from this lab**  
Ms. Niven joined this lab in **Feb 2021**, during her probation period of six months, there have been a total of eight staff resignations –five existing staff and three new hires, this led to a critical staff shortage and a severe backlog of samples. A large number of samples were not be shipped out following protocols, for over half a year. This is an abnormal situation. The five staff complained to HR and Union to request help, with no response, it led to their resignations. The employees' hiring dates and resignation dates with rationales are all kept in the HR database and could be confirmed. Ms. Niven's leadership has proven a series of bad outcomes, but her supervisors are unconcerned. Ms. Niven still passed her probationary period and annual evaluation.

**2) Violate CDC, State and University lab safety regulation**

Ms. Niven was deliberately boldly defying CDC, State, and University lab safety regulations to demonstrate her power. She drinks coffee and eats snacks in the lab, all while encouraging her staff to process specimens without proper PPE. Sterile supplies were also improperly stored on the floor. See attached files-V, W, Ww, X

Everyone clearly knows that drinking and eating are not allowed in the lab. She is a lab manager who routinely drinks coffee and eats snacks in the lab despite passing annual lab safety training. This bad phenomenon continued for over a year. A couple of months after I complained to Rutgers OEE, Ms. Niven was forced to stop drinking coffee and eating snacks in the lab. Under her influence, her staff has other violations in the lab that need to be corrected. Ms. Shyamalan, until now, continues to ignore PPE rules and safety guidelines. She was processing specimens (blood, bone marrow, urine, stool, etc.) never wearing PPE, and inappropriately transporting patient samples. Another example, Ms. Shyamalan frequently used her personal cell phone, on speakerphone, to take care of her daughter's homeschooling in the lab while working. Because we have four people working in the same room, this behavior seriously affects the normal work environment of other staff. Ms. Niven doesn't care or pretends not to see it. Ms. Niven is complicit in this behavior. Because Ms. Shyamalan sponsors Ms. Niven's daily coffee. Both of them frequently ignore the rules. Additionally, Ms. Niven stipulates that sterile items for cell culture should be kept on the ground.

Their behavior seriously violated CDC, State, and University lab safety regulations. In order to reflect the seriousness and fairness of the rules, I hope these examples of improper leadership can be effectively stopped and held accountable.

- 3) Ms. Niven repeatedly stressed that I “caused significant problems” and have “performance issues”. They judge my work performance without any objective evidence only by word of mouth alone and personal opinion to fire me. When we process specimen, every step has log sheet, detail recorded, OnCore and time stamped. Why has Ms. Niven never shown physical proof of these alleged “significant problems” throughout the full process or even since? If she is unable to provide evidence, this is malicious slander and framed against my work ethic and performance.

**4) Changed in the type of job position**

Ms. Niven has no right to do whatever she wants to change the regulations and disregard others. Now, she has changed the job position type from an employee position to a contract position. On the surface, it's to save money, but in fact, it's to make it more convenient for her to fire staff without restraint. She enjoys the thrill of power. The consequence of this is a large staff turnover, all while lacking proper training, in conjunction with the staff shortage, causing human error surge, a large number of patient samples backlog in the freezer, over half a year can't be shipping out, violated protocol. It's irresponsible for patient samples quality and patient outcomes. This adverse phenomenon has never happened since the lab started about 20 years ago, but under Ms. Niven's leadership, conditions have drastically changed for the worse.

- 5) After I was fired, subsequently there were two Chinese staff (Ms. Xu, my co-worker, and Ms. Cong, my collaborator) were treated unfairly and forced to left respectively. All of us are Chinese female employees, who have worked Rutgers University for at least over 14 years. We all filed to University OEE to complain, which has resulted in no positive outcome.

Ms. Xu (my co-worker) worked in the same lab for more than 14 years. She also had some questions about the essential worker designation and tried to talk with Ms. Niven, Ms. Kurz, and HR. Neither of us signed the essential worker policy, as per her requested timeline. Ms. Xu was suffering varying degrees of retaliation from Ms. Niven, in her attempt to encourage Ms. Xu to quit.

Ms. Niven used various means to put high pressure on Ms. Xu and reprimand her with unreasonable administrative penalties that were documented in her employment file. Ms. Xu was also called into a disciplinary meeting to discuss alleged wrongdoing. Since she was a union member, a representative from the union was also at the meeting. The union representative did not agree with the allegation, so they did not sign the statement alleging the wrongdoing. A week later, the union representative orally spoke with Ms. Xu, informing her that they had no choice but to sign the statement in the agreement with the allegation. Human Resources now had a documented instance of misconduct that would provide a rationale for Ms. Niven to dismiss Ms. Xu at any time in the future.

Because Ms. Xu couldn't stand the abuse of Ms. Niven to her, she was forced into early retirement in July 2022, in order to keep her benefits, after working in that lab for the last 14 years.

My collaborator-Ms. Cong, worked at CINJ for more than 16 years, and she was laid off in April 2022. Her supervisor (Ms. Walton) told her verbally that the layoff reason was that Ms. Cong's salary is too high. Ms. Niven is a good friend of Ms. Walton. In my case, Ms. Walton was involved in contacting security and providing false testimony.

Regarding age discrimination, the facts are the best evidence. All of us are Chinese female employees, over 50 years old, have worked for Rutgers University for at least over 14 years, and have all been treated unfairly. The three of us all submitted files, and requested to set up a case to OEE, but only my complaint got investigated. Even so, the university still doesn't pay attention to prevention and resolution. It has led to subsequent adverse consequences. Due to Ms. Niven's misconduct, no one stood up to stop her, so Ms. Walton imitated Ms. Niven, and the situation got worse. The above is an example. It's not a coincidence. It's a maliciously fact.

- 6) I emailed and cc'ed all the related departments of leadership after every event happened, but no one cared or intervened. After I joined the lab, I never had a chance to talk or communicate with any relevant department leadership. I mentioned it in my complaint. During Ms. Niven's six-month probationary period, eight staff resigned. That's the reason. It's an unbreakable ceiling that protects each other and becomes a network, where leadership protects its own. There is no place to complain about a mistake and insist on

not correcting it. No one cares about our service quality and patient's benefits. It may be firing a technician is much easier than solving the problem. For ordinary people, zero tolerance for discrimination doesn't exist at all.

My current situation is that according to the university OEE report, Ms. Niven herself admits to mistakes in enforcing university policies. OEE also confirms that she violated CDC, State, and university lab safety regulation. But the university has not made an apology or offered compensation. So, I can't get fairness and justice. I think that no ordinary citizen would be able to endure this injustice silently. If those who have done nothing wrong and need legal protection, don't have the (financial) ability and lack social status, how does the law ensure their equality and justice?

➤ **My Request:**

- a) I strongly demand **mental injury compensation**, because it's causing me and my family permanent psychological trauma. as well as compensation for economic losses such as **medical expenses** and **lost work expenses**, caused thereby.
- b) Ms. Niven must provide me a **formal public apology** and **explanation**.

- Oct 18, 2021: She deliberately blamed me for other staff's mistakes which was a Bone Marrow specimen missing its label. See attached file-**M**
- Oct 29, 2021: After the end of the work week, Ms. Niven suddenly requested I sign the probation extension form, and sent me an **incomplete document**. See attached files-**J, K**
- Nov 1, 2021: Ms. Niven Refuse my day off request: See attached file-**L**
- Nov 2, 2021: Ms. Niven assigned me additional tasks. More than she would assign other staff members and pressured me, causing me more stress.
- Nov 15, 2021: Ms. Niven without understanding protocol (RCINJ#052008), incorrectly concluded that I breached protocol when a biopsy sample was not shipped out in time. She canceled my evaluation plan and fired me immediately. While I was processing patient samples, Ms. Christie Gallant-Spiezio suddenly emailed me a pre-termination employment notice. Within a couple of minutes, two security guards arrived to escort me out of the building, without any explanation or reason, without my knowledge. **I did nothing wrong. This is a gross violation of my human rights.** See attached file-**D, G, H, Tt**

On the contrary, since Ms. Niven joined the lab, many staff members resigned within a short time, which led to a serious shortage of manpower, and a huge backlog of specimens could not be shipped out according to the protocol for over half a year. No one has held her accountable. Even though, I have complained to various departments for 8 months. Nothing has changed.

- Nov 16, 2021: There was a virtual meeting requested where I was asked to sign another **incomplete document** with a **missing attachment**. In this incomplete document, there was an **inconsistency** with who the **department head** is. I refused to sign this document until she provided the missing attachment. See attached files-**H, I**
- Dec 3, 2021 (Friday): Ms. Tracie Saunders suddenly emailed me, requesting I return back to work the following business day (Monday, Nov 6, 2021) with 2 pages of conditions and areas of improvement. Many conditions listed were baseless. The department rescinded the pre-termination notice for failing the probationary period sent on November 15, 2021. The email also stated that I was a **permanent employee as of Nov 1, 2021** and was exempt from a probationary period. See attached files-**A, E**
- Dec 6 to Dec 16, 2021: I was hospitalized for work-related stress exacerbation. See attached file-**Aa**
- Dec 17, 2021: I found my paycheck was withdrawn directly from my personal bank account without any reason and notice. See attached files-**B, C, EE**
- Dec 16, 2021, to Mar 15, 2022: Medical leave-FMLA, as prescribed by my doctor.
- Mar 15, 2022: I resigned from this position with hopelessness and helplessness.

➤ **Additionally, the other important events below:**

- 1) Within six months (Ms. Niven's probation period), there have been a total of eight staff members who have resigned from this lab. This led to a critical staff shortage and a severe backlog of samples. A lot of samples were delayed for over half a year and could not be shipped out following protocols.
- 2) Ms. Niven deliberately violated CDC, State, and University lab safety regulations and standard guidelines. She drinks coffee and eats a snack in the lab, all while encourages her staff to process specimens without utilizing PPE. Sterile supplies were also improperly stored on the floor. See attached files-V, W, Ww, X
- 3) Ms. Niven repeatedly alleged that I “caused significant problems” and “performance issues”. They judged my work performance without any objective evidence only by word of mouth alone and used personal opinion and interpretations to fire me.
- 4) Changed in the type of job position from an employee position to a contract position. The consequence of this is a large staff turnover, all while lacking proper training, in conjunction with the staff shortage, causing human error surge, a large number of patient samples backlog in the freezer, over half a year can't be shipping out, violated protocol.
- 5) Ms. Xu (my co-worker) also had some questions about the essential worker. Ms. Xu was suffering varying degrees of retaliation from Ms. Niven. Ms. Niven reprimand her with unreasonable administrative penalties that were documented in her employment file. The union representative did not agree with the allegation, but A week later, the union representative orally spoke with Ms. Xu, informing her that they had no choice but to sign the statement in the agreement with the allegation. HR now had a documented instance of misconduct that would provide a rationale for Ms. Niven to dismiss Ms. Xu at any time in the future. Because Ms. Xu couldn't stand the abuse of Ms. Niven to her, she was forced into early retirement in July 2022, in order to keep her benefits, after working in that lab for the last 14 years.
- 6) After I was fired, subsequently there were two Chinese staff members (Ms. Xu, my co-worker, and Ms. Cong, my collaborator) who were treated unfairly and forced to leave respectively. All of us are Chinese female employees, over 50 years old, and have serviced for Rutgers University for at least over 14 years. We all files to University OEE to complain, there is no positive outcome.